

REMARKS

Claims 1-10 are pending in the present Application. Claim 5 has been canceled, Claim 1 has been amended, and no claims have been added, leaving Claims 1-4 and 6-10 for consideration upon entry of the present Amendment.

Amendments to Claims

Claim 1 has been amended to include the limitations of Claim 5, canceled herewith, and to further specify that the low gloss additive is a combination of copolymer (C) and styrene polymer (D).

Notice of Non-Compliant Amendment

A Notice of Non-Compliant amendment dated October 29, 2009 has been issued by the USPTO for the amendment filed on June 22, 2009 (filed with 1 month extension) in response to the Office Action dated February 20, 2009. In the non-compliant amendment, the status identifier for amended Claim 1 was incorrectly listed as “Original”. Applicants apologize for the oversight. In the present response to the Non-Compliant Amendment, the status identifier for Claim 1 has therefore been corrected to recite “Currently amended” as required, and should now be acceptable to the Examiner. No other changes have been made to the claims or arguments. Accordingly, consideration of the amendments to Claim 1 on the merits is respectfully requested.

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-4 and 6-10 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 5,430,101 (“Minematsu”). Applicants respectfully traverse this rejection.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Variant Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

Claim 1, as amended, claims a styrene-based thermoplastic resin compositions with very low gloss and high impact strength, where the styrene-based thermoplastic resin

composition comprises 1–10 weight part of a low-gloss additive of polyolefin copolymer (C) containing glycidyl methacrylate functional groups and styrene polymer (D) having two or more carboxyl functional groups per molecule, based on 100 weight part of basic resin composing 30–70 weight part of graft copolymer (A) containing rubber modified styrene and 30–70 weight part of copolymer (B) comprising styrene.

The difference between the invention of Claim 1 and Minematsu is that the invention of Claim 1 comprises polyolefin copolymer (C) containing glycidyl methacrylate functional groups as a low-gloss additive, of which the olefin forming main chain is claimed as propylene or ethylene in claim 5.

The Examiner alleges that B3 of Minematsu comprises copolymerized acrylonitrile, styrene and glycidyl methacrylate and as such, corresponds to Applicants' styrene polymer (C), and that Applicants' definition of "polyolefin copolymer" is inclusive of styrene copolymers with compounds such as glycidyl methacrylate and acrylonitrile. However, Comparative Example clearly shows that compositions comprising glycidyl methacrylate/styrene/acrylonitrile copolymer (C-3 of the present invention) instead of ethylene/glycidyl methacrylate/styrene/acrylonitrile copolymer does not provide sufficient decrease in gloss and significantly reduces impact strength, both of which are not desired in the instant invention. In particular, in the instantly claimed invention, the presence of polyolefin leads to at least twice the decrease in gloss obtained in the absence of polyolefin. As stated above therefore, the effect of invention of Claim 1 as amended is pronounced over the composition of Minematsu.

Furthermore, Applicants note that Claim 5 is not rejected over Minematsu. Claim 1, as amended, includes the limitations of Claim 5, canceled herewith. As Claim 1 therefore contains subject matter that is not rejected over Minematsu, Minematsu does not disclose all limitations of the instant claims and cannot therefore anticipate the instant claims. Reconsideration and withdrawal of the rejection of Claims 1-4 and 6-10 over Minematsu is therefore respectfully requested.

Claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by either of Japanese Patent Publications JP 3-005252 ("Abe") or JP 4-353522 ("Yamaguchi"). Applicants respectfully traverse these rejections.

Claim 1 was amended to claim 1-10 weight parts of a *combination of both polyolefin copolymer (C) containing glycidyl methacrylate functional groups and styrene polymer (D) having two or more carboxyl functional groups per molecule*, where the combination is a low-gloss additive. Neither Abe nor Yamaguchi discloses inclusion of styrene polymer (D) having two or more carboxyl functional groups per molecule at all, and consequently neither reference discloses all limitations of the invention claimed in Claim 1. For these reasons, Claim 1 and its dependent claims are not anticipated by either Abe or Yamaguchi.

Applicants note that the Examples disclosed in the instant specification comprising both components (C) and (D) further unexpectedly demonstrated improved impact strength and low gloss; therefore, were there to be any suggestion of obviousness by the Examiner over these references, there would be no suggestion or incentive to modify either reference to include adding a styrene polymer (D).

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: /Dana A. Gronbeck/
Dana A. Gronbeck
Registration No. 55,226
Confirmation No. 7460
CANTOR COLBURN LLP
20 Church Street, 22nd Floor
Hartford, CT 06103
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No.: 23413

Date: October 29, 2009